UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,184	11/09/2001	Yuji Furuta	P/3281-10	6062

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DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
1177 AVENUE OF THE AMERICAS (6TH AVENUE)
41 ST FL.
NEW YORK, NY 10036-2714

EXAMINER
REKSTAD, ERICK J

ART UNIT	PAPER NUMBER
2621	

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		10/053,184	FURUTA, YUJI
		Examiner	Art Unit	
		Erick Rekstad	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 April 2006.*

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *2-8 and 11-14* is/are allowed.

6)☒ Claim(s) *1, 9, 10, and 15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

This is a Final Rejection for application no. 10/053,184 in response to the

amendment filed on April 25, 2006 wherein claims 1-15 are presented for examination.

Response to Arguments

Applicant's arguments filed April 25, 2006 have been fully considered but they

are not persuasive.

In regards to the arguments related to the rejection of claims 1 and 9 as

anticipated by Eifrig, the applicant argues that Eifrig does not teach the extracting

means. The examiner respectfully disagrees since the claim does not require a

separate unit in order to perform the extracting means, merely a means to extract the

stored data. Elements (340,342, and 344) store the data not to be processed (audio)

and then proved the data to the REMUX (336) in order to be combined with the

processed data (video) (Col 8 Lines 30-33). Though it is unclear if the extracting means

is performed by the Elements or the REMUX, the fact remains that the extracting means

is performed.

In regards to the arguments related to the rejection of claims 1 and 9 as

unpatentable over Adolph in view of Haskell, the applicant argues the use of a buffer in

the audio processing arm. The examiner respectfully disagrees with the Applicant's

arguments. Adolph teaches a system for dividing a stream into system, audio and video

components. The video components are then processed and recombined with the

system and audio components (Col 2 Lines 47-55). It is well known in the art that

performing such a processing on a video stream will require several clock cycles. In

order to maintain synchronization between the video stream and the unprocessed audio

and system streams, the unprocessed streams must be buffered. This well known

process is shown by Eifrig where the audio is delayed while the video is processed (Fig.

3a). This delaying allows the video and audio to stay in sync. This is well known in the

art, since any processing on a stream will take a number of clock cycles and if non-

processed steams are desired to remain in sync with the processed data some sort of

buffering will be required. Haskell is merely used to teach the use of an audio buffer in

order to buffer the audio while another stream is being processed (Col 4 Lines 13-16,

205 in Fig. 2). Therefore the use of such a buffer does not change the principle of the

operation of the primary reference.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

The claims states "storing data length of said video data and said non-video data

written in said secondary store in order of said data stream being input into a secondary

store". The feature to store the data length of both the video data and the non-video

data is not supported by the specification (Page 18 Line 18-Page 19 Line 9, Fig. 2).

The claim should be amended to state the data length of the video data is stored. The

claim should further be amended to state that the data length and the non-video data

are stored in order of said data stream being input into the secondary store.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

Claims 1 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by US

Patent 6,748,020 to Eifrig et al.

[claims 1 and 9]

As shown in Figure 3a, Eifrig teaches an MPEG data processing circuit which

processes inputted MPEG data to produce outputted MPEG data, comprising:

dividing means (306) which divide said inputted MPEG data into a first data block

having a plurality of first data to be processed and a second data block having a

plurality of second data to be not processed;

primary storing means (310-314) which store said a plurality of first data to be

processed;

secondary storing means (340-344) which store the numbers of said first data

stored in said primary storing means or said a plurality of second data to be not

processed (Col 8 Lines 30-33);

primary extracting and partially replacing means (304, 320, and 302) which

extract said a plurality of first data to be processed from said primary storing means in

accordance with an order of said inputted MPEG data and which partially replace a

predetermined data portion of the extracted first data; said primary extracting and

partially replacing means producing a primary data block;

secondary extracting means (340, 342, 344) which extract said a plurality of

second data to be not processed from said secondary storing means in accordance with

an order of said inputted MPEG data to produce a secondary data block (Col 8 Lines

30-33, Col 9 Line 15-Col 10 Line 3);

and combining means (336) which combine said primary data block and said

secondary data block with each other in an original order to produce said outputted

MPEG data (Col 7 Line 63-Col 8 Line 50).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

US Patent 6,081,295 to Adolph et al. in view of US Patent 5,287,182 to Haskell et al.

[claims 1 and 9]

As shown in Figure 1, Adolph teaches an MPEG data processing circuit which processes inputted MPEG data to produce outputted MPEG data, comprising:

dividing means (DMX) which divide said inputted MPEG data into a first data block having a plurality of first data to be processed and a second data block having a plurality of second data to be not processed;

primary storing means (BUPAR) which store said a plurality of first data to be processed;

primary extracting and partially replacing means which extract said a plurality of first data to be processed from said primary storing means in accordance with an order of said inputted MPEG data and which partially replace a predetermined data portion of the extracted first data; said primary extracting and partially replacing means producing a primary data block;

secondary extracting means (ADP or SDP) which extract said a plurality of second data to be not processed from said secondary storing means in accordance with an order of said inputted MPEG data to produce a secondary data block;

and combining means (MX) which combine said primary data block and said secondary data block with each other in an original order to produce said outputted MPEG data (Col 1 Lines 10-25, Col 2 Line 47-Col 3 Line 62).

Adolph does not specifically teach secondary storing means which store the numbers of said first data stored in said primary storing means or said a plurality of second data to be not processed. Adolph does teach the buffer (BUPAR) for use in the video processor portion of the circuit, as shown in Figure 1.

Haskell teaches the use of a buffer in an audio processing system (205, Fig. 2).

It would have been obvious to one of ordinary skill in the art at the time of the invention

that the audio processor would contain a buffer as Adolph teaches the use of a buffer in

a processor used to process a part of the mpeg stream and Haskell further teaches the

use of a buffer for processing audio.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eifrig.

[claim 10]

Eifrig teaches the method of claim 9 as shown above. Eifrig teaches the use of

an audio delay. Eifrig further teaches the remux does not need to contain video (Col 27

Lines 58-65). Eifrig does not specifically teach when the data from the audio delay

(340-344) is written. It would have been obvious to one of ordinary skill in the art at the

time of the invention that the audio delay could delay for a certain time period

independent of the video (Official Notice).

Allowable Subject Matter

Claims 2-8, 11-13 and 14 are allowed.

The following is a statement of reasons for the indication of allowable subject

matter:

Claims 2-8 and 11-13 include novel and unobvious features in that the examiner

was unable to find in several prior art searches. US Patent 6,081,295 to Adolph et al.

teaches a generic MPEG data processing circuit which processes inputted MPEG data

to produce outputted MPEG data. Adolph does not teach the specifics of claim 2.

Claim 2 requires a V-ES detecting section, a barrel shifter, a VLD, a data replacing

section, VLE, a bit packer, a data combining section, a control section, and a memory control section. These features embodied in one circuit as described in the claim teach over the prior art. These features taken with the others in the claims define over the prior art.

Claim 14 includes novel and unobvious features in that the examiner was unable to find in several prior art searches. Specifically, the claim requires a second store that stores data length of said video data written in said primary store and said non-video data in order of said data stream being input. These features taken with the others in the claim define over the prior art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6,934,329 to Pau et al.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Erick Rekstad whose telephone number is 571-272-

7338. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Erick Rekstad
Examiner
AU 2621
(571) 272-7338
erick.rekstad@uspto.gov

GIMS PHILIPPE
PRIMARY EXAMINER